

**Federal CJA Trial Skills Academy  
California Western School of Law (CWSL)  
April 26 - May 1, 2015  
San Diego, CA  
Draft Agenda  
1/8/15**

**Sunday April 26, 2015**

9:00 - 10:30 a.m.     **Faculty Meeting**

10:30 - 11:30 a.m.     **Meeting with Actors**

10:30 - 11:30 a.m.     **Registration**

11:30 a.m. -  
12:30 p.m.             **Reception**

12:30 - 12:45 p.m.     **Welcome and Introduction to the Academy (*Plenary*)\***  
*Lori Green, Attorney-Advisor, Defender Services Office Training  
Division, Administrative Office of the U.S. Courts, Washington, DC*

12:45 - 1:35 p.m.     **Factbusting - Plenary - Use of Plenary Fact Problem)**  
*Michael Kennedy, Third Level Supervisory AFD, District of Nevada,  
Reno, NV*

This session will present the elements of effective brainstorming and include having all participants brainstorm the facts of the plenary fact problem.

1:35 - 1:50 p.m.     **Break** (All breaks set up in 2nd Floor Lobby)

1:50 - 5:15 p.m.     **Brainstorming the Facts (Small Group Breakouts)**  
**(Room assignments are on small group assignments charts.)**

Participants brainstorm the facts of their own cases in small group breakouts.

**\* All plenary sessions will be conducted in the Moot Court Room on the 3rd Floor.**

## **Monday April 27, 2015**

- 8:30 - 9:30 a.m.      **Attorney-Client Relations and Interviewing Skills (Plenary)**  
*Jim Tibensky, Non Capital Mitigation Specialist (retired), Federal Defender Program, Chicago, IL*
- This session will focus on important aspects of the attorney-client relationship, as well as the elements of effective interviewing. Participants will learn to obtain information from a client and others that will best allow the creation of a persuasive theory of the case.
- 9:30 - 9:45 a.m.      **Break** (All breaks set up in 2nd Floor Lobby)
- 9:45 - 11:45 a.m.      **Interviewing Skills (Small Group Breakouts)**
- Participants practice interviewing techniques and skills and receive constructive feedback.
- 11:45 a.m. - 1:15 p.m.      **Lunch**
- 1:15 - 2:00 p.m.      **Theory and Themes (Plenary)**  
*Anthony "Tony" Natale, Supervisory Assistant Federal Public Defender, Southern District of Florida, Miami, FL*
- Having a theory of the case and supporting themes allows one to effectively organize a case and tell a persuasive defense story. This session will define a theory and theme and will present the elements of effective, persuasive storytelling. It will address how to develop theories and themes and weave them into a defense story.
- 2:05 - 2:50 p.m.      **Storytelling (Plenary)**  
*Shaffy Moeel, Esq., Moeel Law Office, APC, San Francisco, CA*
- Factual stories move us emotionally - and have for centuries. They capture and draw us in. Juries and judges can better empathize and sympathize with our clients, and agree with our advocacy, when a compelling argument is made with storytelling. This session will discuss the elements and techniques of persuasive storytelling and explain how to integrate your client's story into your legal theory and incorporate it in every aspect of your trial presentation.
- 2:50 - 3:05 p.m.      **Break**

**\* All plenary sessions will be conducted in the Moot Court Room on the 3rd Floor.**

3:05 - 5:45 p.m.

**Development of Theory and Themes and Storytelling  
(Small Group Breakouts)**

During this breakout, participants practice the development of theories, themes and storytelling elements. At its conclusion, each participant should have a clearly articulated theory of the case in the form of a hook, headline or short three sentence paragraph.

**Tuesday April 28, 2015**

8:30 - 9:15a.m.

**Demonstrative Evidence and Aids (Plenary)**

*Norma Aguilar, Visiting Attorney-Advisor, Defender Services Office Training Division, Assistant Federal Public Defender, Federal Defenders of San Diego, Inc., San Diego, CA*

Sometimes, a picture is worth a thousand words. This session will address the elements of the effective use of audio-visual aids in litigation.

9:15- 10:00 a.m.

**Jury Selection (Plenary)**

*Richard Kammen, Esq., Kammen and Associates, Indianapolis, IN*

One of the most important aspects of any trial is jury selection. This session will focus on goals in selecting a jury (including advancing the theory of the case), approaches to questioning prospective jurors, and the methods by which you can gather information from prospective jurors.

10:00 a.m. -  
12:00 p.m.

**Jury Selection (Small Group Breakouts)**

Participants will practice voir dire and receive constructive feedback.

12:00 - 1:30 p.m.

**Lunch**

1:30 - 2:40 p.m.

**Opening Statements (Plenary)**

*Faculty TBA*

Opening statement is one's first opportunity to tell the jury what our case is all about. It is a critical part of the trial. This session will focus on the goals of, and preparation for, an opening statement, how jurors perceive opening statements, and the nuts & bolts of how to construct an opening statement that will advance the theory of the case and defense story.

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- 2:40 - 2:45 p.m.      **Break** (All breaks set up in 2nd Floor Lobby)
- 2:45- 5:30 p.m.      **Preparation for and Presentation of Opening Statements (Small Group Breakouts)**
- Participants prepare and present opening statements and receive constructive feedback.

### **Wednesday April 29, 2015**

- 8:45 -9:45              **Cross-Examination/Impeachment (Plenary)**  
*Ronald Tyler, Associate Professor of Law and Director, Criminal Defense Clinic, Stanford Law School, Palo Alto, CA*
- This session will cover goals of, and preparation for, cross-examination, effective cross-examination techniques, how to properly and effectively impeach a witness, and how to advance the theory of the case and defense story through the use of cross-examination, including demonstrations of the proper techniques.
- 9:45 – 10:45 a.m.      **Demos- Prosecution Direct, Defense Cross and Prosecution Redirect**
- 10:45 – 11:00 a.m.      **Break** (All breaks set up in 2nd Floor Lobby)
- 11:00 a.m. - 12:30 p.m.      **Cross-examination and Evidence Issues (Small Group Breakouts)**
- Participants practice cross-examination, impeachment of witnesses, and proper procedures for the use and admission of evidence during cross-examination, and receive constructive feedback.
- 12:30 – 2:00 p.m.      **Lunch**
- 2:00 – 3:45 p.m..      **Cross-Examination and Evidence Issues (Small Group Breakouts Continued)**

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3:45 p.m.

## **Adjourn for the Day**

### **Thursday April 30, 2015**

8:30 – 9:30 a.m.      **Direct Examination /Client Prep (Plenary)**

*Jason Ser, Assistant Federal Defender, Federal Defenders of New York, New York, NY*

Direct examination provides another opportunity to advance the theory of the case and defense story. This session will techniques for preparing the witness and how to persuasively present their testimony in the courtroom.

9:30 – 10:30 a.m.      **Demos – Direct Examination of Defense Witness, Prosecution Cross, Defense Redirect**

10:30 – 11:00 a.m.      Break

11:00 a.m. –  
12:30pm      **Direct Examination / Client Prep (Small Group Breakouts)**

Participants practice direct examinations and receive constructive feedback.

12:30 – 2:00 p.m.      **Lunch**

2:00 - 3:30 p.m.      **Direct Examination/Client Prep (Small Group Breakouts continued)**

3:30 – 3:45 p.m.      **Break** (All breaks set up in 2nd Floor Lobby)

3:45 - 4:45 p.m.      **Closing Arguments (Plenary)**

*Fredilyn Sison, Assistant Federal Defender, Western District of North Carolina, Asheville, NC*

Closing arguments are the last opportunity to communicate directly with the jury. This session will cover techniques that can be used to effectively and persuasively communicate the theory of the case and defense story.

4:45 p.m. -  
5:30 pm      **Preparation for Closing Arguments (Small Group Breakouts)**

With the assistance of faculty, participants prepare closing arguments that will be performed in the following breakout.

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## **Friday May 1, 2015**

8:30 - 11:00 a.m.      **Closing Arguments (Small Group Breakouts Continued)**

11:00 a.m. -            **Brunch** (2nd Floor Lobby)  
12:15 p.m.

12:15 - 2:50 p.m.      **Closing Argument Demonstration and Jury Deliberations  
Observation**

*For the Prosecution: TBA*

*For the Defense: TBA*

Demo and Observation in Moot Court Room; Deliberations in Roy Bell  
Reading Room, 3<sup>rd</sup> Floor

Participants observe a closing argument demonstration and view jury  
deliberations via closed circuit TV.

2:50 - 3:00 p.m.      **Break** (All breaks set up in 2nd Floor Lobby)

3:00 - 4:00 p.m.      **Ethics Session (Breakouts)**

4:00- 4:15 p.m.      **Closing Remarks**

4:30 - 5:30 p.m.      **Reception**

**Additional Small Group Faculty  
TBA**

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